

## TELEFAX COVER SHEET

**MOSER, PATTERSON & SHERIDAN, LLP**

ATTORNEYS AT LAW  
 595 SHREWSBURY AVENUE  
 SUITE 100  
 SHREWSBURY, NJ 07702  
 TELEPHONE (732) 530-9404  
 TELEFAX (732) 530-9808

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TO: Commissioner for Patents  
 FAX NO.: 703-872-9306  
 FROM: Keith Taboada, Esq.  
 DATE: May 2, 2005  
 MATTER: Serial No. 09/957,395 Filed: September 19, 2001  
 DOCKET NO.: AM5782  
 APPLICANT: Khan, et al.

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The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

Petition  
 Disclosure Statement & PTO-1449  
 Priority Document  
 Drawings (   sheets) informal  
 Amendment  
 Notice of Appeal (2 pages)

Transmittal Letter (2 copies)  
 Fee Transmittal (2 copies)  
 Deposit Account Transaction  
 Facsimile Transmission Certificate  
 dated May 2, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to Mail Stop AF,  
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Allyson M. DeVestry  
 Name of person signing this certificate

Allyson M. DeVestry 5-2-05  
 Signature and date

361668

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/957,395

Filing Date

September 19, 2001

First Named Inventor

Khan, et al.

Art Unit

1763

Examiner Name

Roberts P. Culbert

Attorney Docket Number

AM5782

**ENCLOSURES (check all that apply)** Fee Transmittal Form Drawing(s) Fee Attached Licensing-related Papers Amendment / Reply Petition After Final Petition to Convert to a Provisional Application Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Extension of Time Request Terminal Disclaimer Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) \_\_\_\_\_ Certified Copy of Priority Document(s) Landscape Table on CD Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53**Remarks** After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)  
(please identify below):

Notice of Appeal (2 pages)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Moer, Patterson &amp; Sheridan, LLP

Signature

Printed Name

Keith Taboada, Esq.

Date

May 2, 2005

Reg. No.

45,150

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Allyson M. DeVesty

Date

May 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

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Application Number

08/957,395

Filing Date

September 19, 2001

First Named Inventor

Khan, et al.

Art Unit

1763

Examiner Name

Roberts P. Culbert

Attorney Docket Number

AM5782

**ENCLOSURES (check all that apply)** Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) \_\_\_\_\_ Landscape Table on CD**Remarks** After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)  
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Notice of Appeal (2 pages)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

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Moser, Patterson &amp; Sheridan, LLP

Signature

Printed Name

Keith Taboada, Esq.

Date

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Date

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PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$950.00)

Complete if Known	
Application Number	09/957,365
Filing Date	September 18, 2001
First Named Inventor	Khan, et al.
Examiner Name	Roberts P. Culbert
Art Unit	1763
Attorney Docket No.	AM5782

### METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  None  Other (please identify) : \_\_\_\_\_
- Deposit Account Deposit Account Number: 20-0782 Deposit Account Name: Moser, Patterson & Sheridan, LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

Under 37 CFR 1.16 and 1.17  
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>	
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
	-20 or HP=	x	=			

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
	- 3 or HP=	x	=	

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number)	x	=

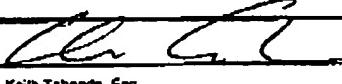
#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Notice of Appeal \$500.00; Two-month extension \$450.00

\$950

### SUBMITTED BY

<u>Signature</u>		<u>Registration No.</u> (Attorney/Agent)	45,150	<u>Telephone</u>	(732) 530-9404
<u>Name (Print/Type)</u>	Keith Taboada, Esq.			<u>Date</u>	May 2, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**NOTICE OF APPEAL**  
Serial No. 09/957,395  
Page 1 of 2

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

**Applicant:** Khan, et al.

**Case:** AM5782

**Serial No.:** 09/957,395

**Filed:** September 19, 2001

**Examiner:** Culbert, Roberts P.

**Group Art Unit:** 1763

**Confirmation No.:** 4481

**TITLE:** A METHOD OF FORMING OPTICAL WAVEGUIDES ON A  
SEMICONDUCTOR SUBSTRATE

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**NOTICE OF APPEAL**

The Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 7, 2005, finally rejecting claims 1-5, 9-15 and 21-25.

The fee for filing this Notice of Appeal (37 C.F.R. §1.17(b)) is \$500.00. A two-month extension fee of \$450.00 is also due. The Commissioner is hereby authorized to charge Deposit Account No. 20-0782 for these fees, and any additional fees that may be required, to make this paper timely and acceptable to the Office.

05/04/2005 CNGUYEN 00000051 200782 09957395

01 FC:1252      450.00 DA  
02 FC:1401      500.00 DA

Respectfully submitted,

  
Keith P. TABOADA  
Attorney Reg. No. 45,150  
(732) 530-9404

May 2, 2005

**NOTICE OF APPEAL**  
Serial No. 09/957,395  
Page 2 of 2

Moser, Patterson & Sheridan, LLP  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, NJ 07702

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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No: (703) 872-9306.

Allyson M. DeVestry  
Signature

Allyson M. DeVestry  
Printed Name of Person Signing

5-2-05  
Date of signature

361661

PAGE 7/7 \* RCVD AT 5/2/2005 3:43:25 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/7 \* DNI:8729306 \* CSID:732 530 9808 \* DURATION (mm:ss):02:30